

Changes to legislation: There are currently no known outstanding effects for the British North America Act 1949, Cross Heading: Public Services, Works and Property. (See end of Document for details)

SCHEDULE **U.K.**

TERMS OF UNION OF NEWFOUNDLAND WITH CANADA

TERMS OF UNION

U.K.

MISCELLANEOUS PROVISIONS

Public Services, Works and Property

- 31 At the date of Union, or as soon thereafter as practicable, Canada will take over the following services and will as from the date of Union relieve the Province of Newfoundland of the public costs incurred in respect of each service taken over, namely,
- (a) the Newfoundland Railway, including steamship and other marine services;
 - (b) the Newfoundland Hotel, if requested by the Government of the Province of Newfoundland within six months from the date of Union;
 - (c) postal and publicly-owned telecommunication services;
 - (d) civil aviation, including Gander Airport;
 - (e) customs and excise;
 - (f) defence;
 - (g) protection and encouragement of fisheries and operation of bait services;
 - (h) geological, topographical, geodetic, and hydrographic surveys;
 - (i) lighthouses, fog alarms, buoys, beacons, and other public works and services in aid of navigation and shipping;
 - (j) marine hospitals, quarantine, and the care of ship-wrecked crews;
 - (k) the public radio broadcasting system; and
 - (l) other public services similar in kind to those provided at the date of Union for the people of Canada generally.
- 32 (1) Canada will maintain in accordance with the traffic offering a freight and passenger steamship service between North Sydney and Port aux Basques, which, on completion of a motor highway between Corner Brook and Port aux Basques, will include suitable provision for the carriage of motor vehicles.
- (2) For the purpose of railway rate regulation the Island of Newfoundland will be included in the Maritime region of Canada, and through-traffic moving between North Sydney and Port aux Basques will be treated as all-rail traffic.
- (3) All legislation of the Parliament of Canada providing for special rates on traffic moving within, into, or out of, the Maritime region will, as far as appropriate, be made applicable to the Island of Newfoundland.
- 33 The following public works and property of Newfoundland shall become the property of Canada when the service concerned is taken over by Canada, subject to any trusts existing in respect thereof, and to any interest other than that of Newfoundland in the same, namely,

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- (a) the Newfoundland Railway, including rights of way, wharves, drydocks, and other real property, rolling stock, equipment, ships, and other personal property;
- (b) the Newfoundland Airport at Gander, including buildings and equipment, together with any other property used for the operation of the Airport;
- (c) the Newfoundland Hotel and equipment;
- (d) public harbours, wharves, break-waters, and aids to navigation;
- (e) bait depots and the motor vessel Malakoff;
- (f) military and naval property, stores, and equipment;
- (g) public dredges and vessels except those used for services that remain the responsibility of Newfoundland and except the nine motor vessels known as the Clarenville boats;
- (h) the public telecommunication system, including rights of way, land lines, cables, telephones, radio stations, and other real and personal property;
- (i) real and personal property of the Broadcasting Corporation of Newfoundland; and
- (j) subject to the provisions of Term thirty-four, customs houses, and post-offices and generally all public works and property, real and personal, used primarily for services taken over by Canada.

34 Where at the date of Union any public buildings of Newfoundland included in paragraph (j) of Term thirty-three are used partly for services taken over by Canada and partly for services of the Province of Newfoundland the following provisions shall apply:

- (a) where more than half the floor space of a building is used for services taken over by Canada the building shall become the property of Canada and where more than half the floor space of a building is used for services of the Province of Newfoundland the building shall remain the property of the Province of Newfoundland;
- (b) Canada shall be entitled to rent from the Province of Newfoundland on terms to be mutually agreed such space in the buildings owned by the Province of Newfoundland as is used for the services taken over by Canada and the Province of Newfoundland shall be entitled to rent from Canada on terms to be mutually agreed such space in the buildings owned by Canada as is used for the services of the Province of Newfoundland;
- (c) the division of buildings for the purposes of this Term shall be made by agreement between the Government of Canada and the Government of the Province of Newfoundland as soon as practicable after the date of Union; and
- (d) if the division in accordance with the foregoing provisions results in either Canada or the Province of Newfoundland having a total ownership that is substantially out of proportion to the total floor space used for its services an adjustment of the division will be made by mutual agreement between the two Governments.

35 Newfoundland public works and property not transferred to Canada by or under these Terms will remain the property of the Province of Newfoundland.

36 Without prejudice to the legislative authority of the Parliament of Canada under the British North America Acts 1867 to 1946, any works, property, or services taken over by Canada pursuant to these Terms shall thereupon be subject to the legislative authority of the Parliament of Canada.

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